

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LEROY CARHART, M.D.,	)	4:03CV3385
WILLIAM G. FITZHUGH, M.D.,	)	
WILLIAM H. KNORR, M.D., and	)	
JILL L. VIBHAKAR, M.D.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>JUDGMENT</b>
	)	
JOHN ASHCROFT, in his official	)	
capacity as Attorney General of the	)	
United States,	)	
	)	
Defendant.	)	

Pursuant to the Memorandum and Order entered this date, judgment is entered for the plaintiffs and against the defendant as follows:

1. The Partial-Birth Abortion Ban Act of 2003, 18 U.S.C. § 1531, is declared to be unconstitutional in all of its applications when the fetus is not viable or when there is a doubt about the viability of the fetus in the appropriate medical judgment of the doctor performing the abortion. The court does not determine whether the Partial-Birth Abortion Ban Act of 2003 is constitutional or unconstitutional when the fetus is indisputably viable.
2. In all cases when the fetus is not viable or when there is a doubt about the viability of the fetus in the appropriate medical judgment of the doctor performing the abortion, John Ashcroft, in his official capacity as Attorney General of the United States, and his employees, agents, and successors in office, are

permanently enjoined from enforcing the Partial-Birth Abortion Ban Act of 2003, 18 U.S.C. § 1531, against the plaintiffs and their officers, agents, servants, and employees, including those individuals and entities (both medical and non-medical) with whom the plaintiffs work, teach, supervise, or refer.

3. Costs are taxed to the defendant.

DATED this 8th day of September, 2004.

BY THE COURT:  
s/Richard G. Kopf  
Chief United States District Judge